

UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
CORRECTED CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE

Case

12-CA-295327

Date Filed

May 5, 2022

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer Kingspan Insulated Panels, Inc.		b. Tel. No. 386-626-6789
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) 725 Summerhill Drive Deland, FL 32724	e. Employer Representative Andrea Lackemacher	g. e-mail
		h. Number of workers employed 2,000
i. Type of Establishment (factory, mine, wholesaler, etc.) manufacturing	j. Identify principal product or service construction materials	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

The employer maintains a Health & Welfare Benefits Plan that affords benefits to its employees and the employees of its affiliates but explicitly, automatically and categorically excludes from participation (except the Employee Assistance Plan benefit) any employee subject to a collective bargaining agreement, a per se violation of Section 8(a)(1). The affiliates are listed on Exhibit A.

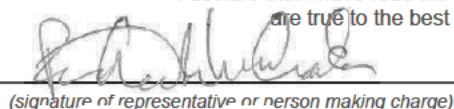
3. Full name of party filing charge (if labor organization, give full name, including local name and number)
International Association of Sheet Metal, Air, Rail and Transportation Workers

4a. Address (Street and number, city, state, and ZIP code) 1750 New York Avenue, NW, 6th Floor Washington, D.C. 20006	4b. Tel. No. 202-662-0800
	4c. Cell No.
	4d. Fax No.
	4e. e-mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)

6. DECLARATION

I declare that I have read the above charge and that the statements
are true to the best of my knowledge and belief.


(signature of representative or person making charge)

Richard G. McCracken, Attorney

(Print/type name and title or office, if any)

Tel. No.
415-597-7200

Office, if any, Cell No.

Fax No.
415-597-7201e-mail
rmccracken@msh.lawMcCracken, Stemberman & Holsberry, LLP
Address 475 14th Street, Suite 1200 / Oakland, CA 94612

Date May 5, 2022

WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT

Solicitation of the information on this form is authorized by the National Labor Relations Act (NLRA), 29 U.S.C. § 151 et seq. The principal use of the information is to assist the National Labor Relations Board (NLRB) in processing unfair labor practice and related proceedings or litigation. The routine uses for the information are fully set forth in the Federal Register, 71 Fed. Reg. 74942-43 (Dec. 13, 2006). The NLRB will further explain these uses upon request. Disclosure of this information to the NLRB is voluntary; however, failure to supply the information may cause the NLRB to decline to invoke its processes.

Exhibit A

ASM Modular Systems

Kingspan Insulation, LLC

Kingspan Light+Air

Morin Corporation

Synthesia Technology, Inc.

Tate Access Floors



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 12
201 E Kennedy Blvd Ste 530
Tampa, FL 33602-5824

Agency Website: www.nlrb.gov
Telephone: (813)228-2641
Fax: (813)228-2874



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Mobile App

May 6, 2022

Richard G. McCracken, Attorney at Law
McCracken Stemerman & Holsberry LLP
475 14th St Ste 1200
Oakland, CA 94612-1929

Re: Kingspan Insulated Panels, Inc.
Case 12-CA-295327

Dear Mr. McCracken:

The charge that you filed in this case on May 05, 2022, has been docketed as case number 12-CA-295327. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

Investigator: This charge is being investigated by Field Attorney Caroline Leonard whose telephone number is (813)228-2662. If this Board agent is not available, you may contact Supervisory Field Examiner Chastity Pabon-Lockley whose telephone number is (813)228-2470.

Right to Representation: You have the right to be represented by an attorney or other representative in any proceeding before us. If you choose to be represented, your representative must notify us in writing of this fact as soon as possible by completing *Form NLRB-4701, Notice of Appearance*. This form is available on our website, www.nlrb.gov, or from an NLRB office upon your request.

If you are contacted by someone about representing you in this case, please be assured that no organization or person seeking your business has any "inside knowledge" or favored relationship with the National Labor Relations Board. Their knowledge regarding this proceeding was only obtained through access to information that must be made available to any member of the public under the Freedom of Information Act.

Presentation of Your Evidence: As the party who filed the charge in this case, it is your responsibility to meet with the Board agent to provide a sworn affidavit, or provide other

witnesses to provide sworn affidavits, and to provide relevant documents within your possession. Because we seek to resolve labor disputes promptly, you should be ready to promptly present your affidavit(s) and other evidence. If you have not yet scheduled a date and time for the Board agent to take your affidavit, please contact the Board agent to schedule the affidavit(s). If you fail to cooperate in promptly presenting your evidence, your charge may be dismissed without investigation.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

Prohibition on Recording Affidavit Interviews: It is the policy of the General Counsel to prohibit affiants from recording the interview conducted by Board agents when subscribing Agency affidavits. Such recordings may impede the Agency's ability to safeguard the confidentiality of the affidavit itself, protect the privacy of the affiant and potentially compromise the integrity of the Region's investigation.

Correspondence: All documents submitted to the Region regarding your case MUST be filed through the Agency's website, www.nlrb.gov. This includes all formal pleadings, briefs, as well as affidavits, documentary evidence, and position statements. The Agency requests all evidence submitted electronically to be in the form it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format).

If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge. If you cannot e-file your documents, you must provide a statement explaining why you do not have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlrb.gov or from an NLRB

office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "David Cohen". The signature is written in a cursive, flowing style.

David Cohen
Regional Director

cc:

International Association of Sheet
Metal, Air,
Rail and Transportation Workers
1750 New York Avenue, N.W.
6th Floor
Washington, DC, DC 20006



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 12
201 E Kennedy Blvd Ste 530
Tampa, FL 33602-5824

Agency Website: www.nlrb.gov
Telephone: (813)228-2641
Fax: (813)228-2874



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May 6, 2022

Andrea Lackemacher
Kingspan Insulated Panels, Inc.
725 Summerhill Drive
Deland, FL 32724

Re: Kingspan Insulated Panels, Inc.
Case 12-CA-295327

Dear Ms. Lackemacher:

Enclosed is a copy of a charge that has been filed in this case. This letter tells you how to contact the Board agent who will be investigating the charge, explains your right to be represented, discusses presenting your evidence, and provides a brief explanation of our procedures, including how to submit documents to the NLRB.

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Presentation of Your Evidence: We seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations set forth in the charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Full and complete cooperation includes providing witnesses to give sworn affidavits to a Board agent, and providing all relevant documentary evidence requested by the Board agent. Sending us your written account of the facts and a statement of your position is not enough to be considered full and complete cooperation. A refusal to fully cooperate during the investigation might cause a case to be litigated unnecessarily.

In addition, either you or your representative must complete the enclosed Commerce Questionnaire to enable us to determine whether the NLRB has jurisdiction over this dispute. If you recently submitted this information in another case, or if you need assistance completing the form, please contact the Board agent.

We will not honor requests to limit our use of position statements or evidence. Specifically, any material you submit may be introduced as evidence at a hearing before an administrative law judge regardless of claims of confidentiality. However, certain evidence produced at a hearing may be protected from public disclosure by demonstrated claims of confidentiality.

Further, the Freedom of Information Act may require that we disclose position statements or evidence in closed cases upon request, unless an exemption applies, such as those protecting confidential financial information or personal privacy interests.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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May 6, 2022

have access to the means for filing electronically or why filing electronically would impose an undue burden.

In addition, this Region will be issuing case-related correspondence and documents, including complaints, compliance specifications, dismissal letters, deferral letters, and withdrawal letters, electronically to the email address you provide. Please ensure that you receive important case-related correspondence, please ensure that the Board Agent assigned to your case has your preferred email address. These steps will ensure that you receive correspondence faster and at a significantly lower cost to the taxpayer. If there is some reason you are unable to receive correspondence via email, please contact the agent assigned to your case to discuss the circumstances that prevent you from using email.

Information about the Agency, the procedures we follow in unfair labor practice cases and our customer service standards is available on our website, www.nlr.gov or from an NLRB office upon your request. *NLRB Form 4541, Investigative Procedures* offers information that is helpful to parties involved in an investigation of an unfair labor practice charge.

We can provide assistance for persons with limited English proficiency or disability. Please let us know if you or any of your witnesses would like such assistance.

Very truly yours,

A handwritten signature in black ink that reads "David Cohen". The signature is fluid and cursive, with the first name "David" and last name "Cohen" clearly distinguishable.

David Cohen
Regional Director

Enclosures:

1. Copy of Charge
2. Commerce Questionnaire

QUESTIONNAIRE ON COMMERCE INFORMATION

Please read carefully, answer all applicable items, and return to the NLRB Office. If additional space is required, please add a page and identify item number.

CASE NAME	CASE NUMBER 12-CA-295327
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1. EXACT LEGAL TITLE OF ENTITY (As filed with State and/or stated in legal documents forming entity)

2. TYPE OF ENTITY

☐ CORPORATION ☐ LLC ☐ LLP ☐ PARTNERSHIP ☐ SOLE PROPRIETORSHIP ☐ OTHER (Specify)

3. IF A CORPORATION or LLC

A. STATE OF INCORPORATION OR FORMATION	B. NAME, ADDRESS, AND RELATIONSHIP (e.g. parent, subsidiary) OF ALL RELATED ENTITIES
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4. IF AN LLC OR ANY TYPE OF PARTNERSHIP, FULL NAME AND ADDRESS OF ALL MEMBERS OR PARTNERS

5. IF A SOLE PROPRIETORSHIP, FULL NAME AND ADDRESS OF PROPRIETOR

6. BRIEFLY DESCRIBE THE NATURE OF YOUR OPERATIONS (Products handled or manufactured, or nature of services performed).

7A. PRINCIPAL LOCATION:

7B. BRANCH LOCATIONS:

8. NUMBER OF PEOPLE PRESENTLY EMPLOYED

A. TOTAL:

B. AT THE ADDRESS INVOLVED IN THIS MATTER:

9. DURING THE MOST RECENT (Check the appropriate box): ☐ CALENDAR ☐ 12 MONTHS or ☐ FISCAL YEAR (FY DATES _____)

	YES	NO
A. Did you provide services valued in excess of \$50,000 directly to customers outside your State? If no, indicate actual value. \$ _____		
B. If you answered no to 9A, did you provide services valued in excess of \$50,000 to customers in your State who purchased goods valued in excess of \$50,000 from directly outside your State? If no, indicate the value of any such services you provided. \$ _____		
C. If you answered no to 9A and 9B, did you provide services valued in excess of \$50,000 to public utilities, transit systems, newspapers, health care institutions, broadcasting stations, commercial buildings, educational institutions, or retail concerns? If less than \$50,000, indicate amount. \$ _____		
D. Did you sell goods valued in excess of \$50,000 directly to customers located outside your State? If less than \$50,000, indicate amount. \$ _____		
E. If you answered no to 9D, did you sell goods valued in excess of \$50,000 directly to customers located inside your State who purchased other goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
F. Did you purchase and receive goods valued in excess of \$50,000 from directly outside your State? If less than \$50,000, indicate amount. \$ _____		
G. Did you purchase and receive goods valued in excess of \$50,000 from enterprises who received the goods directly from points outside your State? If less than \$50,000, indicate amount. \$ _____		
H. Gross Revenues from all sales or performance of services (Check the largest amount) <input type="checkbox"/> \$100,000 <input type="checkbox"/> \$250,000 <input type="checkbox"/> \$500,000 <input type="checkbox"/> \$1,000,000 or more If less than \$100,000, indicate amount.		
I. Did you begin operations within the last 12 months? If yes, specify date: _____		

10. ARE YOU A MEMBER OF AN ASSOCIATION OR OTHER EMPLOYER GROUP THAT ENGAGES IN COLLECTIVE BARGAINING?

☐ YES ☐ NO (If yes, name and address of association or group).

11. REPRESENTATIVE BEST QUALIFIED TO GIVE FURTHER INFORMATION ABOUT YOUR OPERATIONS

NAME	TITLE	E-MAIL ADDRESS	TEL. NUMBER
------	-------	----------------	-------------

12. AUTHORIZED REPRESENTATIVE COMPLETING THIS QUESTIONNAIRE

NAME AND TITLE (Type or Print)	SIGNATURE	E-MAIL ADDRESS	DATE
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PRIVACY ACT STATEMENT

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UNITED STATES OF AMERICA
NATIONAL LABOR RELATIONS BOARD
First Amended CHARGE AGAINST EMPLOYER

DO NOT WRITE IN THIS SPACE	
Case	12-CA-295327
Date Filed June 28, 2022	

INSTRUCTIONS:

File an original with NLRB Regional Director for the region in which the alleged unfair labor practice occurred or is occurring.

1. EMPLOYER AGAINST WHOM CHARGE IS BROUGHT

a. Name of Employer ASM Modular Systems, Kingspan Insulated Panels, Inc., Kingspan Insulation, LLC, Kingspan Light +Air, Morin Corporation, Synthesia Technology, Inc., and Tate Access Floors		b. Tel. No. 386-626-6789
		c. Cell No.
		f. Fax No.
d. Address (Street, city, state, and ZIP code) SEE EXHIBIT A	e. Employer Representative Andrea Lackemacher	g. e-mail
		h. Number of workers employed 2,000
i. Type of Establishment (factory, mine, wholesaler, etc.) manufacturing	j. Identify principal product or service construction materials	

The above-named employer has engaged in and is engaging in unfair labor practices within the meaning of section 8(a), subsections (1) and (list subsections) of the National Labor Relations Act, and these unfair labor practices are practices affecting commerce within the meaning of the Act, or these unfair labor practices are practices affecting commerce within the meaning of the Act and the Postal Reorganization Act.

2. Basis of the Charge (set forth a clear and concise statement of the facts constituting the alleged unfair labor practices)

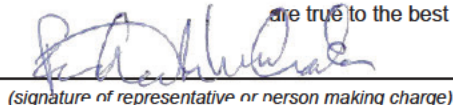
The employer maintains a Health & Welfare Benefits Plan that afford benefits to its employees and the employees of its affiliates but explicitly, automatically and categorically excludes from participation (except the Employee Assistance Plan benefit) any employee subject to a collective bargaining agreement, a per se violation of Section 8(a)(1).

3. Full name of party filing charge (if labor organization, give full name, including local name and number)
International Association of Sheet Metal, Air, Rail and Transportation Workers

4a. Address (Street and number, city, state, and ZIP code) 1750 New York Avenue, NW, 6th Floor Washington, D.C. 20006	4b. Tel. No. 509-542-8700
	4c. Cell No.
	4d. Fax No.
	4e. e-mail

5. Full name of national or international labor organization of which it is an affiliate or constituent unit (to be filled in when charge is filed by a labor organization)
International Association of Sheet Metal, Air, Rail and Transportation Workers**6. DECLARATION**

I declare that I have read the above charge and that the statements
are true to the best of my knowledge and belief.


(signature of representative or person making charge)

Richard G. McCracken, Attorney

(Print/type name and title or office, if any)

McCracken, Stemberman & Holsberry, LLP
Address 475 14th Street, Suite 1200 / Oakland, CA 94612

Date Jun 28, 2022

Tel. No.
415-597-7200

Office, if any, Cell No.

Fax No.
415-597-7201e-mail
rmccracken@msh.law**WILLFUL FALSE STATEMENTS ON THIS CHARGE CAN BE PUNISHED BY FINE AND IMPRISONMENT (U.S. CODE, TITLE 18, SECTION 1001)
PRIVACY ACT STATEMENT**

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Exhibit A

ASM Modular Systems
9500 Industrial Center Dr,
Ladson, SC 29456

Kingspan Insulated Panels, Inc.
725 Summerhill Drive
Deland, FL 32724

Kingspan Insulation, LLC
2100 Riveredge Pkwy Suite 175
Atlanta, GA 30328

Kingspan Light+Air
28662 Ballard Dr.
Lake Forest, IL 60045

Morin Corporation
685 Middle Street
Bristol, CT 06010

Synthesia Technology, Inc.
Pol. Ind. Can Pelegrí, Carrer Argent, 3, 08755
Castellbisbal, Barcelona, Spain

Tate Access Floors
7510 Montevideo Road
Jessup, Maryland 20794



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

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July 21, 2022

Karla E. Sanchez, Attorney
Seyfarth Shaw LLP
233 South Wacker Drive, Suite 8000
Chicago, IL 60606-6448

Re: Kingspan Insulated Panels, Inc.
Case 12-CA-295327

Dear Ms. Sanchez:

Enclosed is a copy of the first amended charge that has been filed in this case.

Investigator: This charge is being investigated by Field Attorney Caroline Leonard whose telephone number is (813)228-2662. If the agent is not available, you may contact Supervisory Field Examiner Chastity Pabon-Lockley whose telephone number is (813)228-2470.

Presentation of Your Evidence: As you know, we seek prompt resolutions of labor disputes. Therefore, I urge you or your representative to submit a complete written account of the facts and a statement of your position with respect to the allegations in the first amended charge as soon as possible. If the Board agent later asks for more evidence, I strongly urge you or your representative to cooperate fully by promptly presenting all evidence relevant to the investigation. In this way, the case can be fully investigated more quickly.

Preservation of all Potential Evidence: Please be mindful of your obligation to preserve all relevant documents and electronically stored information (ESI) in this case, and to take all steps necessary to avoid the inadvertent loss of information in your possession, custody or control. Relevant information includes, but is not limited to, paper documents and all ESI (e.g. SMS text messages, electronic documents, emails, and any data created by proprietary software tools) related to the above-captioned case.

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Procedures: Pursuant to Section 102.5 of the Board's Rules and Regulations, parties must submit all documentary evidence, including statements of position, exhibits, sworn statements, and/or

other evidence, by electronically submitting (E-Filing) them through the Agency's web site (www.nlrb.gov). You must e-file all documents electronically or provide a written statement explaining why electronic submission is not possible or feasible. Failure to comply with Section 102.5 will result in rejection of your submission. The Region will make its determination on the merits solely based on the evidence properly submitted. All evidence submitted electronically should be in the form in which it is normally used and maintained in the course of business (i.e., native format). Where evidence submitted electronically is not in native format, it should be submitted in a manner that retains the essential functionality of the native format (i.e., in a machine-readable and searchable electronic format). If you have questions about the submission of evidence or expect to deliver a large quantity of electronic records, please promptly contact the Board agent investigating the charge.

If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,



David Cohen
Regional Director

Enclosure: Copy of first amended charge

cc: Andrea Lackemacher
Kingspan Insulated Panels, Inc.
725 Summerhill Drive
Deland, FL 32724

Kingspan Light + Air
28662 Ballard Dr.
Lake Forest, IL 60045

Synthesia Technology, Inc.
Pol. Ind. Can Pelegri,
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Tate Access Floors
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ASM Modular Systems
9500 Industrial Center Dr.
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Kingspan Insulation, LLC
2100 Riveredge Pkwy Suite 175
Atlanta, GA 30328

Morin Corporation
685 Middle Street
Bristol, CT 06010



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD

REGION 12
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July 21, 2022

Richard G. McCracken, Attorney at Law
McCracken Stemerman & Holsberry LLP
475 14th Street, Suite 1200
Oakland, CA 94612

Re: ASM Modular Systems, Kingspan Insulated
Panels, Inc., Kingspan Insulation, LLC,
Kingspan Light +Air, Morin Corporation,
Synthesia Technology, Inc., and Tate Access
Floors
Case 12-CA-295327

Dear Mr. McCracken:

We have docketed the first amended charge that you filed in this case.

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July 21, 2022

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If the Agency does not issue a formal complaint in this matter, parties will be notified of the Regional Director's decision by email. Please ensure that the agent handling your case has your current email address.

Very truly yours,

A handwritten signature in black ink that reads "David Cohen". The signature is fluid and cursive, with the first name "David" and last name "Cohen" clearly distinguishable.

David Cohen
Regional Director

cc: International Association of Sheet Metal,
Air, Rail and Transportation Workers
1750 New York Avenue, N.W.
6th Floor
Washington, DC, DC 20006

NATIONAL LABOR RELATIONS BOARD

NOTICE OF APPEARANCE

Kingspan Insulated Panels, Inc.

and

International Association of Sheet Metal, Air, Rail and
Transportation Workers

CASE 12-CA-295327

☒ REGIONAL DIRECTOR

☐ EXECUTIVE SECRETARY
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

☐ GENERAL COUNSEL
NATIONAL LABOR RELATIONS BOARD
Washington, DC 20570

THE UNDERSIGNED HEREBY ENTERS APPEARANCE AS REPRESENTATIVE OF _____
THE EMPLOYER

IN THE ABOVE-CAPTIONED MATTER.

CHECK THE APPROPRIATE BOX(ES) BELOW:

☒ REPRESENTATIVE IS AN ATTORNEY

☒ IF REPRESENTATIVE IS AN ATTORNEY, IN ORDER TO ENSURE THAT THE PARTY MAY RECEIVE COPIES OF CERTAIN DOCUMENTS OR CORRESPONDENCE FROM THE AGENCY IN ADDITION TO THOSE DESCRIBED BELOW, THIS BOX MUST BE CHECKED. IF THIS BOX IS NOT CHECKED, THE PARTY WILL RECEIVE ONLY COPIES OF CERTAIN DOCUMENTS SUCH AS CHARGES, PETITIONS AND FORMAL DOCUMENTS AS DESCRIBED IN SEC. 11842.3 OF THE CASEHANDLING MANUAL.

(REPRESENTATIVE INFORMATION)

NAME: Karla E. Sanchez
MAILING ADDRESS: Seyfarth Shaw LLP, 233 South Wacker Drive, Suite 8000, Chicago, IL 60606
E-MAIL ADDRESS: ksanchez@seyfarth.com
OFFICE TELEPHONE NUMBER: 312-460-5000
CELL PHONE NUMBER: _____ FAX: 312-460-7000
SIGNATURE: /s/ Karla E Sanchez
(Please sign in ink.)
DATE: 5-18-2022

¹ IF CASE IS PENDING IN WASHINGTON AND NOTICE OF APPEARANCE IS SENT TO THE GENERAL COUNSEL OR THE EXECUTIVE SECRETARY, A COPY SHOULD BE SENT TO THE REGIONAL DIRECTOR OF THE REGION IN WHICH THE CASE WAS FILED SO THAT THOSE RECORDS WILL REFLECT THE APPEARANCE.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 12**

KINGSPAN INSULATED PANELS INC.,
KINGSPAN INSULATION LLC,
KINGSPAN LIGHT + AIR, LLC,
ASM MODULAR SYSTEMS INC.,
MORIN CORPORATION,
SYNTHESIA TECHNOLOGY, INC., and
TATE, INC. d/b/a TATE ACCESS FLOORS

and

Case 12-CA-295327

INTERNATIONAL ASSOCIATION OF
SHEET METAL, AIR, RAIL, AND
TRANSPORTATION WORKERS

COMPLAINT AND NOTICE OF HEARING

This Complaint and Notice of Hearing is based on a charge filed by International Association of Sheet Metal, Air, Rail and Transportation Workers (the Union). It is issued pursuant to Section 10(b) of the National Labor Relations Act (the Act), 29 U.S.C. § 151 et seq., and Section 102.15 of the Rules and Regulations of the National Labor Relations Board (the Board) and alleges that Kingspan Insulated Panels Inc. (Respondent KIP), Kingspan Insulation LLC (Respondent KI), Kingspan Light + Air, LLC (Respondent KLA), ASM Modular Systems Inc. (Respondent ASM), Morin Corporation (Respondent Morin), Synthesia Technology, Inc. (Respondent Synthesia), and Tate, Inc. d/b/a Tate Access Floors (Respondent Tate), collectively referred to herein as Respondents, have violated the Act as described below.

1.

(a) The original charge in this proceeding was filed by the Union on May 5, 2022, and a copy was served on Respondents by U.S. mail on May 6, 2022.

(b) The amended charge in this proceeding was filed by the Union on June 28, 2022, and a copy was served on Respondents by U.S. mail on July 21, 2022.

2.

(a) At all material times, Respondent KIP has been a Florida corporation with its principal office and place of business located in Deland, Florida and places of business in Modesto, California, Columbus, Ohio, and Stamford, Connecticut, and has been engaged in the business of manufacturing, distributing, and installing insulated panels.

(b) During the past 12 months, Respondent KIP, in conducting its operations described above in paragraph 2(a), purchased and received at its Deland, Florida facility goods valued in excess of \$50,000 directly from points outside the State of Florida.

(c) At all material times, Respondent KIP has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

3.

(a) At all material times, Respondent KI has been a Delaware limited liability company with its principal office and place of business located in Atlanta, Georgia and a place of business in Winchester, Virginia, and has been engaged in the business of manufacturing, distributing, and installing insulation.

(b) During the past 12 months, Respondent KI, in conducting its operations described above in paragraph 3(a), purchased and received at its Atlanta, Georgia facility goods valued in excess of \$50,000 directly from points outside the State of Georgia.

(c) At all material times, Respondent KI has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

4.

(a) At all material times, Respondent KLA has been a Delaware limited liability company with its principal office and place of business located in Lake Forest, Illinois and places of business in Marietta, Georgia, Santa Ana, California, and Terrell, Texas, and has been engaged in the business of manufacturing, distributing, and installing daylighting systems, skylights, and smoke and natural ventilation products.

(b) During the past 12 months, Respondent KLA, in conducting its operations described above in paragraph 4(a), purchased and received at its Lake Forest, Illinois facility goods valued in excess of \$50,000 directly from points outside the State of Illinois.

(c) At all material times, Respondent KLA has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

5.

(a) At all material times, Respondent ASM has been a New York corporation with its principal office and place of business located in Ladson, South Carolina and has been engaged in the business of manufacturing, distributing, and installing access flooring.

(b) During the past 12 months, Respondent ASM, in conducting its operations described above in paragraph 5(a), purchased and received at its Ladson, South Carolina facility goods valued in excess of \$50,000 directly from points outside the State of South Carolina.

(c) At all material times, Respondent ASM has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

6.

(a) At all material times, Respondent Morin has been a Delaware corporation with offices and places of business located in Deland, Florida, Bristol, Connecticut, and Fontana, California, and has been engaged in the business of manufacturing and distributing single element metal wall and roof panel systems.

(b) During the past 12 months, Respondent Morin, in conducting its operations described above in paragraph 6(a), purchased and received at its Deland, Florida facility goods valued in excess of \$50,000 directly from points outside the State of Florida.

(c) At all material times, Respondent Morin has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

7.

(a) At all material times, Respondent Synthesia has been a Delaware corporation with its principal office and place of business located in Deland, Florida, and has been engaged in the business of distributing polystyrene spheres, polyether, and other foam products.

(b) During the past 12 months, Respondent Synthesia, in conducting its operations described above in paragraph 7(a), purchased and received at Deland, Florida facility goods valued in excess of \$50,000 directly from points outside the State of Florida.

(c) At all material times, Respondent Synthesia has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

8.

(a) At all material times, Respondent Tate has been a Maryland corporation with its principal office and place of business located in Jessup, Maryland and has been engaged in the business of manufacturing and distributing access floors and other construction products.

(b) During the past 12 months, Respondent Tate, in conducting its operations described above in paragraph 8(a), purchased and received at its Jessup, Maryland facility goods valued in excess of \$50,000 directly from points outside the State of Maryland.

(c) At all material times, Respondent Tate has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

9.

At all material times, (b) (6), (b) (7)(C) has been (b) (6), (b) (7)(C) of North America Access Floors & Insulated Panels of The Kingspan Group PLC, and has been (b) (6), (b) (7)(C) of Respondents within the meaning of Section 2(11) of the Act, and an agent of Respondents within the meaning of Section 2(13) of the Act.

10.

(a) Since on or before November 17, 2021, Respondents have maintained a provision excluding “employees subject to collectively bargained agreements” from eligibility for all component benefit plans of the Kingspan Insulated Panels, Inc. Health & Welfare Benefits Plan, except the Employee Assistance Plan.

(b) Since on or about November 17, 2021, Respondents have maintained a provision excluding “All Union Members” from eligibility for the Employee-Paid Buy-Up Long Term Disability component benefit plan of the Kingspan Insulated Panels, Inc. Health & Welfare Benefits Plan.

11.

By the conduct described above in paragraphs 10(a) and 10(b), Respondents have been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act, in violation of Section 8(a)(1) of the Act.

The unfair labor practices of Respondents described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER REQUIREMENT

Respondent is notified that, pursuant to Sections 102.20 and 102.21 of the Board's Rules and Regulations, it must file an answer to the complaint. The filed answer must be **received by this office on or before 11:59 p.m. on August 11, 2022.** Respondent also must serve a copy of the answer on each of the other parties.

Pursuant to Section 102.5(c) of the Board's Rules and Regulations, the answer must be filed electronically through the Agency's website unless Respondent is unable to file electronically, and accompanies the filing of its answer in paper format with a statement explaining why it does not have access to the means for filing electronically or why filing electronically would impose an undue burden. To file electronically, go to www.nlr.gov, click on **E-File Documents**, enter the NLRB Case Number, and follow the detailed instructions. The responsibility for the receipt and usability of the answer rests exclusively upon the sender. Unless notification on the Agency's website informs users that the Agency's E-Filing system is officially determined to be in technical failure because it is unable to receive documents for a continuous period of more than 2 hours after 12:00 noon (Eastern Time) on the due date for filing, a failure to timely file the answer will not be excused on the basis that the transmission could not be accomplished because the Agency's website was off-line or unavailable for some other reason. The Board's Rules and Regulations require that an answer be signed by counsel or non-attorney representative for represented parties or by the party if not represented. See Section 102.21. If the answer being filed electronically is a pdf document containing the required

signature, no paper copies of the answer need to be transmitted to the Regional Office.

However, if the electronic version of an answer to a complaint is not a pdf file containing the required signature, then the E-filing rules require that such answer containing the required signature continue to be submitted to the Regional Office by traditional means within three (3) business days after the date of electronic filing. Service of the answer on each of the other parties must still be accomplished by means allowed under the Board's Rules and Regulations. The answer may not be filed by facsimile transmission. If no answer is filed, or if an answer is filed untimely, the Board may find, pursuant to a Motion for Default Judgment, that the allegations in the complaint are true.

NOTICE OF HEARING

PLEASE TAKE NOTICE THAT on **October 6, 2022**, at **9:30 a.m.**, by **videoconference using the Zoom for Government platform**, and on consecutive days thereafter until concluded, a hearing will be conducted before an administrative law judge of the National Labor Relations Board. At the hearing, Respondent and any other party to this proceeding have the right to appear and present testimony regarding the allegations in this complaint. The procedures to be followed at the hearing are described in the attached Form NLRB-4668. The procedure to request a postponement of the hearing is described in the attached Form NLRB-4338.

Dated: July 28, 2022.



David Cohen, Regional Director
National Labor Relations Board, Region 12
201 East Kennedy Boulevard, Suite 530
Tampa, Florida 33602-5824

Attachments

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
NOTICE

Case 12-CA-295327

The issuance of the notice of formal hearing in this case does not mean that the matter cannot be disposed of by agreement of the parties. On the contrary, it is the policy of this office to encourage voluntary adjustments. The examiner or attorney assigned to the case will be pleased to receive and to act promptly upon your suggestions or comments to this end.

An agreement between the parties, approved by the Regional Director, would serve to cancel the hearing. However, unless otherwise specifically ordered, the hearing will be held at the date, hour, and place indicated. Postponements ***will not be granted*** unless good and sufficient grounds are shown ***and*** the following requirements are met:

- (1) The request must be in writing. An original and two copies must be filed with the Regional Director when appropriate under 29 CFR 102.16(a) or with the Division of Judges when appropriate under 29 CFR 102.16(b).
- (2) Grounds must be set forth in ***detail***;
- (3) Alternative dates for any rescheduled hearing must be given;
- (4) The positions of all other parties must be ascertained in advance by the requesting party and set forth in the request; and
- (5) Copies must be simultaneously served on all other parties (listed below), and that fact must be noted on the request.

Except under the most extreme conditions, no request for postponement will be granted during the three days immediately preceding the date of hearing.

Andrea Lackemacher
ASM Modular Systems, Kingspan Insulated
Panels, Inc., Kingspan Insulation, LLC,
Kingspan Light +Air, Morin Corporation,
Synthesia Technology, Inc., and Tate Access
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Kingspan Light + Air
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Lake Forest, IL 60045

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Bristol, CT 06010

Synthesia Technology, Inc.
Po. Ind. Can Pelegri, 08755
Carrer Argent, 3,
Castellbisbal, Barcelona, Spain, BC 08755

Tate Access Floors
7510 Montevideo Road
Jessup, AR 20794

Richard G. McCracken, Attorney at Law
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rmccracken@msh.law

International Association of Sheet Metal, Air,
Rail and Transportation Workers
1750 New York Avenue, N.W.
6th Floor
Washington, DC, DC 20006

Procedures in NLRB Unfair Labor Practice Hearings

The attached complaint has scheduled a hearing that will be conducted by an administrative law judge (ALJ) of the National Labor Relations Board who will be an independent, impartial finder of facts and applicable law. **You may be represented at this hearing by an attorney or other representative.** If you are not currently represented by an attorney, and wish to have one represent you at the hearing, you should make such arrangements as soon as possible. A more complete description of the hearing process and the ALJ's role may be found at Sections 102.34, 102.35, and 102.45 of the Board's Rules and Regulations. The Board's Rules and regulations are available at the following link: www.nlr.gov/sites/default/files/attachments/basic-page/node-1717/rules_and_regs_part_102.pdf.

The NLRB allows you to file certain documents electronically and you are encouraged to do so because it ensures that your government resources are used efficiently. To e-file go to the NLRB's website at www.nlr.gov, click on "e-file documents," enter the 10-digit case number on the complaint (the first number if there is more than one), and follow the prompts. You will receive a confirmation number and an e-mail notification that the documents were successfully filed.

Although this matter is set for trial, this does not mean that this matter cannot be resolved through a settlement agreement. The NLRB recognizes that adjustments or settlements consistent with the policies of the National Labor Relations Act reduce government expenditures and promote amity in labor relations and encourages the parties to engage in settlement efforts.

I. BEFORE THE HEARING

The rules pertaining to the Board's pre-hearing procedures, including rules concerning filing an answer, requesting a postponement, filing other motions, and obtaining subpoenas to compel the attendance of witnesses and production of documents from other parties, may be found at Sections 102.20 through 102.32 of the Board's Rules and Regulations. In addition, you should be aware of the following:

- **Special Needs:** If you or any of the witnesses you wish to have testify at the hearing have special needs and require auxiliary aids to participate in the hearing, you should notify the Regional Director as soon as possible and request the necessary assistance. Assistance will be provided to persons who have handicaps falling within the provisions of Section 504 of the Rehabilitation Act of 1973, as amended, and 29 C.F.R. 100.603.
- **Pre-hearing Conference:** One or more weeks before the hearing, the ALJ may conduct a telephonic prehearing conference with the parties. During the conference, the ALJ will explore whether the case may be settled, discuss the issues to be litigated and any logistical issues related to the hearing, and attempt to resolve or narrow outstanding issues, such as disputes relating to subpoenaed witnesses and documents. This conference is usually not recorded, but during the hearing the ALJ or the parties sometimes refer to discussions at the pre-hearing conference. You do not have to wait until the prehearing conference to meet with the other parties to discuss settling this case or any other issues.

II. DURING THE HEARING

The rules pertaining to the Board's hearing procedures are found at Sections 102.34 through 102.43 of the Board's Rules and Regulations. Please note in particular the following:

- **Witnesses and Evidence:** At the hearing, you will have the right to call, examine, and cross-examine witnesses and to introduce into the record documents and other evidence.
- **Exhibits:** Each exhibit offered in evidence must be provided in duplicate to the court reporter and a copy of each of each exhibit should be supplied to the ALJ and each party when the exhibit is offered

in evidence. If a copy of any exhibit is not available when the original is received, it will be the responsibility of the party offering such exhibit to submit the copy to the ALJ before the close of hearing. If a copy is not submitted, and the filing has not been waived by the ALJ, any ruling receiving the exhibit may be rescinded and the exhibit rejected.

- **Transcripts:** An official court reporter will make the only official transcript of the proceedings, and all citations in briefs and arguments must refer to the official record. The Board will not certify any transcript other than the official transcript for use in any court litigation. Proposed corrections of the transcript should be submitted, either by way of stipulation or motion, to the ALJ for approval. Everything said at the hearing while the hearing is in session will be recorded by the official reporter unless the ALJ specifically directs off-the-record discussion. If any party wishes to make off-the-record statements, a request to go off the record should be directed to the ALJ.
- **Oral Argument:** You are entitled, on request, to a reasonable period of time at the close of the hearing for oral argument, which shall be included in the transcript of the hearing. Alternatively, the ALJ may ask for oral argument if, at the close of the hearing, if it is believed that such argument would be beneficial to the understanding of the contentions of the parties and the factual issues involved.
- **Date for Filing Post-Hearing Brief:** Before the hearing closes, you may request to file a written brief or proposed findings and conclusions, or both, with the ALJ. The ALJ has the discretion to grant this request and to will set a deadline for filing, up to 35 days.

III. AFTER THE HEARING

The Rules pertaining to filing post-hearing briefs and the procedures after the ALJ issues a decision are found at Sections 102.42 through 102.48 of the Board's Rules and Regulations. Please note in particular the following:

- **Extension of Time for Filing Brief with the ALJ:** If you need an extension of time to file a post-hearing brief, you must follow Section 102.42 of the Board's Rules and Regulations, which requires you to file a request with the appropriate chief or associate chief administrative law judge, depending on where the trial occurred. You must immediately serve a copy of any request for an extension of time on all other parties and furnish proof of that service with your request. You are encouraged to seek the agreement of the other parties and state their positions in your request.
- **ALJ's Decision:** In due course, the ALJ will prepare and file with the Board a decision in this matter. Upon receipt of this decision, the Board will enter an order transferring the case to the Board and specifying when exceptions are due to the ALJ's decision. The Board will serve copies of that order and the ALJ's decision on all parties.
- **Exceptions to the ALJ's Decision:** The procedure to be followed with respect to appealing all or any part of the ALJ's decision (by filing exceptions with the Board), submitting briefs, requests for oral argument before the Board, and related matters is set forth in the Board's Rules and Regulations, particularly in Section 102.46 and following sections. A summary of the more pertinent of these provisions will be provided to the parties with the order transferring the matter to the Board.

**UNITED STATES OF AMERICA
BEFORE THE NATIONAL LABOR RELATIONS BOARD
REGION 12**

KINGSPAN INSULATED PANELS INC.,
KINGSPAN INSULATION LLC,
KINGSPAN LIGHT + AIR, LLC,
ASM MODULAR SYSTEMS INC.,
MORIN CORPORATION,
SYNTHESIA TECHNOLOGY, INC., and
TATE, INC. d/b/a TATE ACCESS FLOORS

And

Case 12-CA-295327

INTERNATIONAL ASSOCIATION OF
SHEET METAL, AIR, RAIL, AND
TRANSPORTATION WORKERS

ANSWER

The Respondents, Kingspan Insulated Panels Inc. (“KIP”), Kingspan Insulation LLC (“KI”), Kingspan Light + Air, LLC (“KLA”), ASM Modular Systems Inc. (“ASM”), Morin Corporation (“Morin”), Synthesia Technology, Inc. (“Synthesia”), and Tate, Inc. d/b/a Tate Access Floors (“Tate”) (herein together, “Respondents”), by and through their attorneys, Seyfarth Shaw LLP, hereby answer the Complaint in the above-referenced case as follows¹:

COMPLAINT ¶1:

(a) The original charge in this proceeding was filed by the Union on May 5, 2022, and a copy was served on Respondents by U.S. mail on May 6, 2022.

(b) The amended charge in this proceeding was filed by the Union on June 28, 2022, and a copy was served on Respondents by U.S. mail on July 21, 2022.

¹ For efficiency, where a Respondent admits an allegation below, each of the other Respondents also specifically admits the allegation. Where a Respondent denies an allegation below, each of the other Respondents also specifically denies that allegation. Such admissions and denials are incorporated into each specific response below.

ANSWER:

(a) Each Respondent admits that the original charge was filed by the Union on May 5, 2022 and a copy was served on Respondent KIP by U.S. mail on May 6, 2022. Each Respondent denies the remaining allegations.

(b) Admitted.

COMPLAINT ¶2:

(a) At all material times, Respondent KIP has been a Florida corporation with its principal office and place of business located in Deland, Florida and places of business in Modesto, California, Columbus, Ohio, and Stamford, Connecticut, and has been engaged in the business of manufacturing, distributing, and installing insulated panels.

(b) During the past 12 months, Respondent KIP, in conducting its operations described above in paragraph 2(a), purchased and received at its Deland, Florida facility goods valued in excess of \$50,000 directly from points outside the State of Florida.

(c) At all material times, Respondent KIP has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

ANSWER:

(a) Respondent KIP admits that KIP has been a Florida corporation with its principal office and place of business located in Deland, Florida, has places of business in Modesto, California and Columbus, Ohio, and has been engaged in the business of manufacturing and distributing insulated panels. Respondent KIP denies the remaining allegations set forth in paragraph 2(a) of the Complaint.

(b) Respondent KIP admits that during the past 12 months, in conducting its operations of manufacturing and distributing insulated panels, it purchased and received at its Deland, Florida facility goods valued in excess of \$50,000 directly from points outside the State of Florida. Respondent KIP denies the remaining allegations set forth in paragraph 2(b) of the Complaint.

(c) Admitted.

COMPLAINT ¶3:

(a) At all material times, Respondent KI has been a Delaware limited liability company with its principal office and place of business located in Atlanta, Georgia and a place of business in Winchester, Virginia, and has been engaged in the business of manufacturing, distributing, and installing insulation.

(b) During the past 12 months, Respondent KI, in conducting its operations described above in paragraph 3(a), purchased and received at its Atlanta, Georgia facility goods valued in excess of \$50,000 directly from points outside the State of Georgia.

(c) At all material times, Respondent KI has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

ANSWER:

(a) Respondent KI admits that KI has been a Delaware limited liability company with its principal office and place of business located in Atlanta, Georgia and a place of business in Winchester, Virginia, and has been engaged in the business of manufacturing and distributing insulation products. Respondent KI denies the remaining allegations set forth in paragraph 3(a) of the Complaint.

(b) Denied.

(c) Admitted.

COMPLAINT ¶4:

(a) At all material times, Respondent KLA has been a Delaware limited liability company with its principal office and place of business located in Lake Forest, Illinois and places of business in Marietta, Georgia, Santa Ana, California, and Terrell, Texas, and has been engaged in the business of manufacturing, distributing, and installing daylighting systems, skylights, and smoke and natural ventilation products.

(b) During the past 12 months, Respondent KLA, in conducting its operations described above in paragraph 4(a), purchased and received at its Lake Forest, Illinois facility goods valued in excess of \$50,000 directly from points outside the State of Illinois.

(c) At all material times, Respondent KLA has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

ANSWER:

(a) Respondent KLA admits that KLA has been a Delaware limited liability company with its principal office and place of business located in Lake Forest, Illinois and places of business in Santa Ana, California and Terrell, Texas, and has been engaged in the business of manufacturing and distributing daylighting systems, skylights, and smoke and natural ventilation products. Respondent KLA denies the remaining allegations set forth in paragraph 4(a) of the Complaint.

(b) Respondent KLA admits that during the past 12 months, in conducting its operations of manufacturing and distributing daylighting systems, skylights, and smoke and natural ventilation products, it purchased and received at its Lake Forest, Illinois facility goods valued in excess of \$50,000 directly from points outside the State of Illinois. Respondent KLA denies the remaining allegations set forth in paragraph 4(b) of the Complaint.

(c) Admitted.

COMPLAINT ¶5:

(a) At all material times, Respondent ASM has been a New York corporation with its principal office and place of business located in Ladson, South Carolina and has been engaged in the business of manufacturing, distributing, and installing access flooring.

(b) During the past 12 months, Respondent ASM, in conducting its operations described above in paragraph 5(a), purchased and received at its Ladson, South Carolina facility goods valued in excess of \$50,000 directly from points outside the State of South Carolina.

(c) At all material times, Respondent ASM has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

ANSWER:

(a) Respondent ASM admits that ASM has been a New York corporation with its principal office and place of business located in Ladson, South Carolina, and has been engaged

in the business of distributing access flooring. Respondent ASM denies the remaining allegations set forth in paragraph 5(a).

(b) Respondent ASM admits that in conducting its operations of distributing access flooring, it has purchased and received at its Landson, South Carolina facility goods valued in excess of \$50,000 directly from points outside the State of South Carolina. Respondent ASM denies the remaining allegations set forth in paragraph 5(b) of the Complaint.

(c) Admitted.

COMPLAINT ¶6:

(a) At all material times, Respondent Morin has been a Delaware corporation with offices and places of business located in Deland, Florida, Bristol, Connecticut, and Fontana, California, and has been engaged in the business of manufacturing and distributing single element metal wall and roof panel systems.

(b) During the past 12 months, Respondent Morin, in conducting its operations described above in paragraph 6(a), purchased and received at its Deland, Florida facility goods valued in excess of \$50,000 directly from points outside the State of Florida.

(c) At all material times, Respondent Morin has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

ANSWER:

(a) Admitted.

(b) Admitted.

(c) Admitted.

COMPLAINT ¶7:

(a) At all material times, Respondent Synthesia has been a Delaware corporation with its principal office and place of business located in Deland, Florida, and has been engaged in the business of distributing polystyrene spheres, polyether, and other foam products.

(b) During the past 12 months, Respondent Synthesia, in conducting its operations described above in paragraph 7(a), purchased and received at Deland, Florida facility goods valued in excess of \$50,000 directly from points outside the State of Florida.

(c) At all material times, Respondent Synthesia has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

ANSWER:

- (a) Denied.
- (b) Denied.
- (c) Denied.

COMPLAINT ¶8:

(a) At all material times, Respondent Tate has been a Maryland corporation with its principal office and place of business located in Jessup, Maryland and has been engaged in the business of manufacturing and distributing access floors and other construction products.

(b) During the past 12 months, Respondent Tate, in conducting its operations described above in paragraph 8(a), purchased and received at its Jessup, Maryland facility goods valued in excess of \$50,000 directly from points outside the State of Maryland.

(c) At all material times, Respondent Tate has been an employer engaged in commerce within the meaning of Section 2(2), (6) and (7) of the Act.

ANSWER:

(a) Respondent Tate admits that Tate is a corporation with its principal office and place of business located in Jessup, Maryland and has been engaged in the business of manufacturing and distributing access floors and other data center products. Respondent Tate denies the remaining allegations set forth in paragraph 8(a) of the Complaint.

- (b) Admitted.
- (c) Admitted.

COMPLAINT ¶9:

At all material times, (b) (6), (b) (7)(C) has been (b) (6), (b) (7)(C) of North America Access Floors & Insulated Panels of The Kingspan Group PLC, and has been (b) (6), (b) (7)(C) of Respondents within the meaning of Section 2(11) of the Act, and an agent of Respondents within the meaning of Section 2(13) of the Act.

ANSWER:

Each of Respondents deny that (b) (6), (b) (7)(C) has been the (b) (6), (b) (7)(C) of North America Access Floors & Insulated Panels of The Kingspan Group PLC. Each of Respondents deny the

remaining allegations set forth in paragraph 9 of the Complaint. Each of Respondents affirmatively admit that (b) (6), (b) (7)(C) title is (b) (6), (b) (7)(C) of Access Floors & Insulated Panels - North America.

COMPLAINT ¶10:

(a) Since on or before November 17, 2021, Respondents have maintained a provision excluding “employees subject to collectively bargained agreements” from eligibility for all component benefit plans of the Kingspan Insulated Panels, Inc. Health & Welfare Benefits Plan, except the Employee Assistance Plan.

(b) Since on or about November 17, 2021, Respondents have maintained a provision excluding “All Union Members” from eligibility for the Employee-Paid Buy-Up Long Term Disability component benefit plan of the Kingspan Insulated Panels, Inc. Health & Welfare Benefits Plan.

ANSWER:

(a) Each of Respondents admit that since on or about November 17, 2021, it has maintained a Health & Welfare Benefits Plan that contains the quoted language set forth in paragraph 10(a) of the Complaint. Each of Respondents deny the remaining allegations set forth in Paragraph 10(a) of the Complaint.

(b) Each of Respondents admit that since on or about November 17, 2021, it has maintained a Health & Welfare Benefits Plan that contains the quoted language set forth in paragraph 10(b) of the Complaint. Answering further, the complete sentence in the Health & Welfare Benefits Plan quoted in paragraph 10(b) states: “All Union Members and Employees averaging fewer than 30 hours per week; seasonal and/or temporary employees; leased employees; employees subject to collectively bargained agreements.” Each of Respondents deny the remaining allegations set forth in Paragraph 10(b) of the Complaint.

COMPLAINT ¶11:

By the conduct described above in paragraphs 10(a) and 10(b), Respondents have been interfering with, restraining, and coercing employees in the exercise of the rights guaranteed in Section 7 of the Act, in violation of Section 8(a)(1) of the Act.

ANSWER:

Denied.

COMPLAINT ¶12:

The unfair labor practices of Respondents described above affect commerce within the meaning of Section 2(6) and (7) of the Act.

ANSWER:

Denied.

WHEREFORE, each of Respondents denies that it violated the Act.

DATED: August 11, 2022

Respectfully submitted,

By: /s/ Karla Sanchez

Karla E. Sanchez
Joshua Ditelberg
Thomas Piskorski
jditelberg@seyfarth.com
tpiskorski@seyfarth.com
ksanchez@seyfarth.com

SEYFARTH SHAW LLP
233 South Wacker Drive
Suite 8000
Chicago, Illinois 60606-6448
Telephone: (312) 460-5000
Facsimile: (312) 460-7000

CERTIFICATE OF SERVICE

I, Karla E. Sanchez, certify that I caused a copy of the foregoing Answer to be sent by electronic mail to the Charging Party's representative of record as noted below and electronically filed the Answer with the Regional office.

Richard McCracken
McCracken Stemerman & Holsberry LLP
595 Market Street, Suite 800
San Francisco, CA 94105
rmccracken@msh.law

/s/Karla Sanchez
Karla E. Sanchez

UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
SETTLEMENT AGREEMENT

IN THE MATTER OF

KINGSPAN INSULATED PANELS, INC.,

Case 12-CA-295327

ASM MODULAR SYSTEMS, INC.,

KINGSPAN INSULATION, LLC, KINGSPAN LIGHT + AIR,

MORIN CORPORATION, SYNTHESIA TECHNOLOGY, INC.

AND TATE ACCESS FLOORS

Subject to the approval of the Regional Director for the National Labor Relations Board, Kingspan Insulated Panels, Inc., ASM Modular Systems, Inc., Kingspan Insulation, LLC, Kingspan Light + Air, Morin Corporation, Synthesia Technology, Inc. and Tate Access Floors, herein collectively referred to as the Charged Parties, and the Charging Party **HEREBY AGREE TO SETTLE THE ABOVE MATTER AS FOLLOWS:**

POSTING OF NOTICE — After the Regional Director has approved this Agreement, the Regional Office will send copies of the approved Notices to Employees in English and Spanish, and in additional languages if the Regional Director decides that it is appropriate to do so. Responsible officials of the Charged Parties will then sign and date the Notices with their respective names, and immediately post them in conspicuous places, including all places where the Charged Parties normally post notices to employees at all of their respective facilities listed on Appendix A to this Agreement. The Charged Parties will keep all Notices posted for 60 consecutive days after the initial posting. Once each during the first (1st) and fifth (5th) weeks during the 60-day notice posting period, the Charged Parties will e-file with the Regional Director of Region 12 at www.nlr.gov, current dated photographs of all posted Notices. Furthermore, the Charged Parties agree to grant agents of the National Labor Relations Board access to their premises for the purposes of confirming that the Notices are posted pursuant to the terms of this Agreement.

MAILING OF NOTICES — The Charged Parties will also copy and mail via U.S. mail, at their own expense, copies of the approved Notices with their respective names in English, Spanish and in additional languages if the Regional Director decides that it is appropriate to do so, to all individuals who have been employed by the Charged Parties at their respective facilities listed in Appendix A to this Agreement at any time since December 5, 2021, at their current or last known addresses. The Charged Parties will e-file with Region 12 copies of the signed and dated Notices that were mailed, written confirmation of the date(s) of mailing, a list of names and addresses of employees to whom the Notices were mailed, and a list of names of individuals to whom mailed notices were returned to the Charged Party undelivered by the United States Postal Service.

E-MAILING OF NOTICES — Charged Party Synthesia Technology, Inc. will e-mail to all of its employees located in the United States, a copy of the signed Synthesia Technology, Inc. Notice in English and Spanish, and in additional languages if the Regional Director decides that it is appropriate to do so. The e-mail transmitted with the Notice attached will state only: "We are distributing the attached Notice to Employees to you pursuant to a Settlement Agreement approved by the Regional Director of Region 12 of the National Labor Relations Board in Case 12-CA-295327." To document its compliance with this requirement, the Charged Party will e-file with Region 12 via the Agency's e-filing portal at www.nlr.gov, a copy of the e-mail with all the recipients' e-mail addresses visible, along with a copy of the emailed Notice to Employees, and a completed Certification of Posting form.

KS
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COMPLIANCE WITH NOTICE — The Charged Parties will comply with all the terms and provisions of said Notice.

SCOPE OF THE AGREEMENT — This Agreement settles only the allegations in the above-captioned case(s), including all allegations covered by the attached Notice to Employees made part of this agreement, and does not settle any other case(s) or matters. It does not prevent persons from filing charges, the General Counsel from prosecuting complaints, or the Board and the courts from finding violations with respect to matters that happened before this Agreement was approved regardless of whether General Counsel knew of those matters or could have easily found them out. The General Counsel reserves the right to use the evidence obtained in the investigation and prosecution of the above-captioned case(s) for any relevant purpose in the litigation of this or any other case(s), and a judge, the Board and the courts may make findings of fact and/or conclusions of law with respect to said evidence.

PARTIES TO THE AGREEMENT — If the Charging Party fails or refuses to become a party to this Agreement and the Regional Director determines that it will promote the policies of the National Labor Relations Act, the Regional Director may approve the settlement agreement and decline to issue or reissue a Complaint in this matter. If that occurs, this Agreement shall be between the Charged Parties and the undersigned Regional Director. In that case, a Charging Party may request review of the decision to approve the Agreement. If the General Counsel does not sustain the Regional Director's approval, this Agreement shall be null and void.

AUTHORIZATION TO PROVIDE COMPLIANCE INFORMATION AND NOTICES DIRECTLY TO CHARGED PARTIES — Counsel for the Charged Parties authorizes the Regional Office to forward the cover letter describing the general expectations and instructions to achieve compliance, a conformed settlement, original notices and a certification of posting directly to the Charged Parties. If such authorization is granted, Counsel will be simultaneously served with a courtesy copy of these documents.




Yes RS No _____
Initials Initials

PERFORMANCE — Performance by the Charged Parties with the terms and provisions of this Agreement shall commence immediately after the Agreement is approved by the Regional Director, or if the Charging Party does not enter into this Agreement, performance shall commence immediately upon receipt by the Charged Parties of notice that no review has been requested or that the General Counsel has sustained the Regional Director.

The Charged Parties agree that in case of non-compliance with any of the terms of this Settlement Agreement by the Charged Parties, and after 14 days' notice from the Regional Director of the National Labor Relations Board of such non-compliance without remedy by the Charged Parties, the Regional Director will reissue the complaint previously issued on July 28, 2022, in the instant case(s). Thereafter, the General Counsel may file a motion for default judgment with the Board on the allegations of the complaint. The Charged Parties understand and agree that the allegations of the aforementioned complaint will be deemed admitted and its Answer to such complaint will be considered withdrawn. The only issue that may be raised before the Board is whether the Charged Parties defaulted on the terms of this Settlement Agreement. The Board may then, without necessity of trial or any other proceeding, find all allegations of the complaint to be true and make findings of fact and conclusions of law consistent with those allegations adverse to the Charged Parties on all issues raised by the pleadings. The Charged Parties agree that the Board may then issue an order providing, as elected by the Regional Director, a full remedy for the violations found as is appropriate to remedy such violations, and/or an order requiring the Charged Parties to perform terms of this settlement agreement as specified by the Regional Director. The parties further agree that a U.S. Court of Appeals Judgment may be entered enforcing the Board order ex parte, after service or attempted service upon the Charged Parties at the last address provided to the General Counsel.

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NOTIFICATION OF COMPLIANCE — Each party to this Agreement will notify the Regional Director in writing what steps the Charged Parties have taken to comply with the Agreement. This notification shall be given within 5 days, and again after 60 days, from the date of the approval of this Agreement. If the Charging Party does not enter into this Agreement, initial notice shall be given within 5 days after notification from the Regional Director that the Charging Party did not request review or that the General Counsel sustained the Regional Director's approval of this agreement. No further action shall be taken in the above captioned case(s) provided that the Charged Parties comply with the terms and conditions of this Settlement Agreement and Notice.

Charged Parties Kingspan Insulated Panels, Inc., ASM Modular Systems, Inc. Kingspan Insulation, LLC, Kingspan Light + Air, Morin Corporation, Synthesia Technology, Inc. and Tate Access Floors	Charging Party International Association of Sheet Metal, Air, Rail and Transportation Workers (SMART)
By: _____ Date: 9/23/2022 	By: _____ Date: 9/23/2022 
Print Name and Title below Karla Sanchez, Attorney	Print Name and Title below Richard G. McCracken General Counsel
Recommended By: _____ Date: 9/26/22 1/s/ Caroline Leonard Caroline Leonard Field Attorney	Approved By: _____ Date: September 26, 2022  David Cohen Regional Director, Region 12

(To be printed and posted on official Board notice form)

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with your employer on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT maintain or distribute a Summary Plan Description (SPD) for our Health & Welfare Benefits Plan or any other documents that contain language excluding employees covered by a collective-bargaining agreement from eligibility to receive the benefits of our Health & Welfare Benefits Plan.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce employees in their exercise of the above-stated rights guaranteed in Section 7 of the National Labor Relations Act.

Within 28 days from the date of approval of the Settlement Agreement in this case, **WE WILL** rescind the language in the SPD for our Health & Welfare Benefits Plan that excludes employees covered by a collective-bargaining agreement from eligibility to receive benefits from our Health & Welfare Benefits Plan, and **WE WILL** notify our employees that this has been done and furnish them copies of a lawfully revised SPD for our Health & Welfare Benefits Plan.

KINGSPAN INSULATED PANELS, INC.

(Employer)

Dated: _____

By: _____

(Representative)

(Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlr.gov.

National Labor Relations Board, Region 12
201 E Kennedy Blvd Ste 530
Tampa, FL 33602-5824

Telephone: (813) 228-2641
Hours of Operation: 8 a.m. to 4:30 p.m.

705
RCM

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.

79
RGM

(To be printed and posted on official Board notice form)

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ASM MODULAR SYSTEMS, INC.

(Employer)

Dated: _____

By: _____

(Representative)

(Title)

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75
RGM

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KINGSPAN INSULATION, LLC

(Employer)

Dated: _____

By: _____

(Representative)

(Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlr.gov.

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768
RGM

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KS
ROM

(To be printed and posted on official Board notice form)

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Within 28 days from the date of approval of the Settlement Agreement in this case, **WE WILL** rescind the language in the SPD for our Health & Welfare Benefits Plan that excludes employees covered by a collective-bargaining agreement from eligibility to receive benefits from our Health & Welfare Benefits Plan, and **WE WILL** notify our employees that this has been done and furnish them copies of a lawfully revised SPD for our Health & Welfare Benefits Plan.

KINGSPAN LIGHT + AIR

(Employer)

Dated: _____

By: _____

(Representative)

(Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlrb.gov.

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Rosa

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RGM

(To be printed and posted on official Board notice form)

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- Act together with other employees for your benefit and protection;
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WE WILL NOT in any like or related manner interfere with, restrain, or coerce employees in their exercise of the above-stated rights guaranteed in Section 7 of the National Labor Relations Act.

Within 28 days from the date of approval of the Settlement Agreement in this case, **WE WILL** rescind the language in the SPD for our Health & Welfare Benefits Plan that excludes employees covered by a collective-bargaining agreement from eligibility to receive benefits from our Health & Welfare Benefits Plan, and **WE WILL** notify our employees that this has been done and furnish them copies of a lawfully revised SPD for our Health & Welfare Benefits Plan.

MORIN CORPORATION

(Employer)

Dated: _____

By: _____

(Representative)

(Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlr.gov.

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201 E Kennedy Blvd Ste 530
Tampa, FL 33602-5824

Telephone: (813) 228-2641
Hours of Operation: 8 a.m. to 4:30 p.m.

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R6m

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JS
RGM

(To be printed and posted on official Board notice form)

FEDERAL LAW GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with your employer on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT maintain or distribute a Summary Plan Description (SPD) for our Health & Welfare Benefits Plan or any other documents that contain language excluding employees covered by a collective-bargaining agreement from eligibility to receive the benefits of our Health & Welfare Benefits Plan.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce employees in their exercise of the above-stated rights guaranteed in Section 7 of the National Labor Relations Act.

Within 28 days from the date of approval of the Settlement Agreement in this case, **WE WILL** rescind the language in the SPD for our Health & Welfare Benefits Plan that excludes employees covered by a collective-bargaining agreement from eligibility to receive benefits from our Health & Welfare Benefits Plan, and **WE WILL** notify our employees that this has been done and furnish them copies of a lawfully revised SPD for our Health & Welfare Benefits Plan.

SYNTHESIA TECHNOLOGY, INC.

(Employer)

Dated: _____

By: _____

(Representative)

(Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlr.gov.

National Labor Relations Board, Region 12
201 E Kennedy Blvd Ste 530
Tampa, FL 33602-5824

Telephone: (813) 228-2641
Hours of Operation: 8 a.m. to 4:30 p.m.

*JS
RCM*

THIS IS AN OFFICIAL NOTICE AND MUST NOT BE DEFACED BY ANYONE

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to the above Regional Office's Compliance Officer.

KS
RGM

(To be printed and posted on official Board notice form)

FEDERAL LAW GIVES YOU THE RIGHT TO:

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- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT maintain or distribute a Summary Plan Description (SPD) for our Health & Welfare Benefits Plan or any other documents that contain language excluding employees covered by a collective-bargaining agreement from eligibility to receive the benefits of our Health & Welfare Benefits Plan.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce employees in their exercise of the above-stated rights guaranteed in Section 7 of the National Labor Relations Act.

Within 28 days from the date of approval of the Settlement Agreement in this case, **WE WILL** rescind the language in the SPD for our Health & Welfare Benefits Plan that excludes employees covered by a collective-bargaining agreement from eligibility to receive benefits from our Health & Welfare Benefits Plan, and **WE WILL** notify our employees that this has been done and furnish them copies of a lawfully revised SPD for our Health & Welfare Benefits Plan.

TATE ACCESS FLOORS

(Employer)

Dated: _____

By: _____
(Representative) (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-866-667-NLRB (1-866-667-6572). Hearing impaired persons may contact the Agency's TTY service at 1-866-315-NLRB. You may also obtain information from the Board's website: www.nlr.gov.

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Tampa, FL 33602-5824

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KS
RDM

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RS
ROM

APPENDIX A

LOCATIONS FOR POSTING THE NOTICE TO EMPLOYEES

ASM Modular Systems, Inc.
9500 Industrial Dr.
Ladson, SC 29456

Kingspan Light + Air, LLC
401 East Goetz Ave.
Santa Ana, CA 92707

Kingspan Insulated Panels, Inc.
720 Marion Rd.
Columbus, OH 43207

Kingspan Light + Air, LLC
100 Metro Dr.
Terrell, TX

Kingspan Insulated Panels, Inc.
2000 Morgan Rd.
Modesto, CA 95358

Kingspan Light + Air, LLC
28662 N. Ballard Dr.
Lake Forest, IL 60045

Kingspan Insulated Panels, Inc.
726 Summerhill Dr.
Deland, FL 32724

Morin Corporation
1975 Eidson Dr.
Deland, FL 32724

Kingspan Insulation LLC
2100 Riveredge Pkwy, Ste. 175
Atlanta, GA 30328

Morin Corporation
685 Middle St.
Bristol, CT 06010

Kingspan Insulation LLC
200 Kingspan Way
Winchester, VA 22603

Morin Corporation
10707 Commerce Way
Fontana, CA 92337

Kingspan Insulation LLC
9091 County Road
Rockford, MN 55373

Tate Access Floors, Inc.
52 Springvale Road
Red Lion, PA 17356

Kingspan Light + Air
7120 Stewart Ave.
Wausau, WI 54401

Tate Access Floors, Inc.
100 Redco Avenue, Ste. D1
Red Lion, PA 17356

Kingspan Light + Air
2210 Oak Ridge Way
Vista, CA 92081

Tate Access Floors, Inc.
7510 Montevideo Rd.
Jessup, MD 20794

A handwritten signature in black ink, appearing to read "MS" over "Ran".

CERTIFICATION OF POSTING, MAILING, AND ELECTRONIC DISTRIBUTION
(Kingspan Insulated Panels, Inc., 726 Summerhill Dr., Deland, FL 32724 facility)

RE: **Kingspan Insulated Panels Inc., Kingspan Insulation LLC, Kingspan Light, etc.**
Case 12-CA-295327

Due Date: October 26, 2022

(If additional space is needed to provide a full response, attach a sheet(s) with the necessary information.)

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Employer has taken to comply.

Physical Posting

The signed and dated Notice to Employees in English and Spanish in the above matter was posted on
October 24, 2022 at the following locations: (List specific places of posting)
(date)

Employee bulletin board with other HR related notices and postings in the office building

Employee bulletin board with other HR related notices and postings in the plant building

A legible copy of the signed Notices in both languages, displaying full text of the Notice, including the date, signature and title of the responsible official of the Employer was e-filed together with this Certification.

Electronically Mail Notice

The signed and dated Notice to Employees in English and Spanish in the above-captioned matter was email on n/a to all Synthesia Technnlogy, Inc. employees located in the United
(date)

States. **A copy of the email message, with all of the recipients' e-mail addresses visible, along with a copy of the signed Notices was e-filed via the Agency's e-filing portal at www.nlrb.gov together with this Certification.**

Mail Notices

On October 24, 2022, the Employer mailed copies of the approved Notices in both languages with
(date)

their respective names in English and Spanish, to all individuals who have been employed by the Employers at their respective facilities listed in Appendix A to this Agreement, at any time since December 5, 2021, at their current or last known addresses. **Copies of the date of actual mailing, a list of names and addresses of employees to whom the Notices were mailed was e-filed with this Certification. A list of names of individuals to whom mailed notices were returned to the Employers undelivered by the United States Postal Service will be e-filed accordingly.**

I have completed this Certification of Posting, Mailing, and Electronic Mailing and state under penalty of perjury that it is true and correct.

By:

(b) (6), (b) (7)(C)

Title:

(b) (6), (b) (7)(C)

Date:

October 24, 2022

This form should be returned to the Regional Office together with **ONE** original Notice in each language, dated and signed in the same manner as those posted. The Certification of Posting, Mailing, and Electronic Mailing form and color-scanned signed Notice should be returned via e-file. Please do not e-mail or physically send hard copies of the Certification of Posting, Mailing, and Electronic Mailing form or Notices at this time. If you need assistance in e-filing case documents, please contact the Compliance Assistant assigned to this case.

CERTIFICATION OF POSTING, MAILING, AND ELECTRONIC DISTRIBUTION
(Kingspan Insulated Panels, Inc., 2000 Morgan Rd., Modesto, CA 95358 facility)

RE: Kingspan Insulated Panels Inc., Kingspan Insulation LLC, Kingspan Light, etc.
Case 12-CA-295327

Due Date: October 26, 2022

(If additional space is needed to provide a full response, attach a sheet(s) with the necessary information.)

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Employer has taken to comply.

Physical Posting

The signed and dated Notice to Employees in English and Spanish in the above matter was posted on
October 24, 2022 at the following locations: (List specific places of posting)
(date)

Employee bulletin board with other HR related notices and postings

A legible copy of the signed Notices in both languages, displaying full text of the Notice, including the date, signature and title of the responsible official of the Employer was e-filed together with this Certification.

Electronically Mail Notice

The signed and dated Notice to Employees in English and Spanish in the above-captioned matter was email on n/a to all Synthesia Technology, Inc. employees located in the United
(date)

States. A copy of the email message, with all of the recipients' e-mail addresses visible, along with a copy of the signed Notices was e-filed via the Agency's e-filing portal at www.nlrb.gov together with this Certification.

Mail Notices

On October 24, 2022, the Employer mailed copies of the approved Notices in both languages with
(date)

their respective names in English and Spanish, to all individuals who have been employed by the Employers at their respective facilities listed in Appendix A to this Agreement, at any time since December 5, 2021, at their current or last known addresses. **Copies of the date of actual mailing, a list of names and addresses of employees to whom the Notices were mailed was e-filed with this Certification. A list of names of individuals to whom mailed notices were returned to the Employers undelivered by the United States Postal Service will be e-filed accordingly.**

I have completed this Certification of Posting, Mailing, and Electronic Mailing and state under penalty of perjury that it is true and correct.

CHARGED PARTY

By:

(b) (6), (b) (7)(C)

Title:

(b) (6), (b) (7)(C)

Date:

October 24, 2022

This form should be returned to the Regional Office together with **ONE** original Notice in each language, dated and signed in the same manner as those posted. The Certification of Posting, Mailing, and Electronic Mailing form and color-scanned signed Notice should be returned via e-file. Please do not e-mail or physically send hard copies of the Certification of Posting, Mailing, and Electronic Mailing form or Notices at this time. If you need assistance in e-filing case documents, please contact the Compliance Assistant assigned to this case.

CERTIFICATION OF POSTING, MAILING, AND ELECTRONIC DISTRIBUTION
(Kingspan Insulated Panels, Inc., 720 Marion Rd., Columbus, OH 43207 facility)

RE: Kingspan Insulated Panels Inc., Kingspan Insulation LLC, Kingspan Light, etc.
Case 12-CA-295327

Due Date: October 26, 2022

(If additional space is needed to provide a full response, attach a sheet(s) with the necessary information.)

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Employer has taken to comply.

Physical Posting

The signed and dated Notice to Employees in English and Spanish in the above matter was posted on
October 24, 2022 at the following locations: (List specific places of posting)
(date)

Employee bulletin board with other HR related notices and postings

A legible copy of the signed Notices in both languages, displaying full text of the Notice, including the date, signature and title of the responsible official of the Employer was e-filed together with this Certification.

Electronically Mail Notice

The signed and dated Notice to Employees in English and Spanish in the above-captioned matter was email on n/a to all Synthesia Technology, Inc. employees located in the United States.
(date)

A copy of the email message, with all of the recipients' e-mail addresses visible, along with a copy of the signed Notices was e-filed via the Agency's e-filing portal at www.nlrb.gov together with this Certification.

Mail Notices

On October 24, 2022, the Employer mailed copies of the approved Notices in both languages with
(date)
their respective names in English and Spanish, to all individuals who have been employed by the Employers at their respective facilities listed in Appendix A to this Agreement, at any time since December 5, 2021, at their current or last known addresses. Copies of the date of actual mailing, a list of names and addresses of employees to whom the Notices were mailed was e-filed with this Certification. A list of names of individuals to whom mailed notices were returned to the Employers undelivered by the United States Postal Service will be e-filed accordingly.

I have completed this Certification of Posting, Mailing, and Electronic Mailing and state under penalty of perjury that it is true and correct.

CHARGED PARTY

By:

(b) (6), (b) (7)(C)

Title:

(b) (6), (b) (7)(C)

Date:

October 24, 2022

This form should be returned to the Regional Office together with **ONE** original Notice in each language, dated and signed in the same manner as those posted. The Certification of Posting, Mailing, and Electronic Mailing form and color-scanned signed Notice should be returned via e-file. Please do not e-mail or physically send hard copies of the Certification of Posting, Mailing, and Electronic Mailing form or Notices at this time. If you need assistance in e-filing case documents, please contact the Compliance Assistant assigned to this case.



NOTICE TO EMPLOYEES



POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL DIRECTOR OF THE NATIONAL LABOR RELATIONS BOARD AN AGENCY OF THE UNITED STATES GOVERNMENT

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT maintain or distribute a Summary Plan Description (SPD) for our Health & Welfare Benefits Plan or any other documents that contain language excluding employees covered by a collective-bargaining agreement from eligibility to receive the benefits of our Health & Welfare Benefits Plan.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce employees in their exercise of the above-stated rights guaranteed in Section 7 of the National Labor Relations Act.

Within 28 days from the date of approval of the Settlement Agreement in this case, **WE WILL** rescind the language in the SPD for our Health & Welfare Benefits Plan that excludes employees covered by a collective-bargaining agreement from eligibility to receive benefits from our Health & Welfare Benefits Plan and **WE WILL** notify our employees that this has been done and furnish them copies of a lawfully revised SPD for our Health & Welfare Benefits Plan.

KINGSPAN INSULATED PANELS, INC.

(Employer)

DATED: 10/24/2022

BY:

(b) (6), (b) (7)(C)

(Representative)

(b) (6), (b) (7)(C)

(Title)

The National Labor Relations Board is an Independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service (link is external) by visiting its website at <https://www.federalrelay.us/tty> (link is external), calling one of its toll-free numbers and asking its Communications Assistant to call our toll-free number at 1-844-762-NLRB.

National Labor Relations Board, Region 12
201 E. Kennedy Blvd., Suite 530
Tampa, FL 33602-5824

Telephone: (813) 228-2641
Hours: 8:00 a.m. to 4:30 p.m.

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to Region 12 at www.nlr.gov or (202) 273-2900.

CASE NUMBER 12-CA-295327

CERTIFICATION OF POSTING, MAILING, AND ELECTRONIC DISTRIBUTION
(Kingspan Insulated Panels, Inc., 726 Summerhill Dr., Deland, FL 32724 facility)

RE: Kingspan Insulated Panels Inc., Kingspan Insulation LLC, Kingspan Light, etc.
Case 12-CA-295327

Due Date: October 26, 2022

(If additional space is needed to provide a full response, attach a sheet(s) with the necessary information.)

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Employer has taken to comply.

Physical Posting

The signed and dated Notice to Employees in English and Spanish in the above matter was posted on _____ at the following locations: (List specific places of posting)
(date)

A legible copy of the signed Notices in both languages, displaying full text of the Notice, including the date, signature and title of the responsible official of the Employer was e-filed together with this Certification.

Electronically Mail Notice

The signed and dated Notice to Employees in English and Spanish in the above-captioned matter was email on Oct 24, 2022 to all Synthesia Technology, Inc. employees located in the United
(date)

States. A copy of the email message, with all of the recipients' e-mail addresses visible, along with a copy of the signed Notices was e-filed via the Agency's e-filing portal at www.nlrb.gov together with this Certification.

Mail Notices

On _____, the Employer mailed copies of the approved Notices in both languages with
(date)

their respective names in English and Spanish, to all individuals who have been employed by the Employers at their respective facilities listed in Appendix A to this Agreement, at any time since December 5, 2021, at their current or last known addresses. **Copies of the date of actual mailing, a list of names and addresses of employees to whom the Notices were mailed was e-filed with this Certification. A list of names of individuals to whom mailed notices were returned to the Employers undelivered by the United States Postal Service will be e-filed accordingly.**

I have completed this Certification of Posting, Mailing, and Electronic Mailing and state under penalty of perjury that it is true and correct.

CHARGED PARTY

By: (b) (6), (b) (7)(C)

Title: (b) (6), (b) (7)(C)

Date: 10/24/2022

This form should be returned to the Regional Office together with **ONE** original Notice in each language, dated and signed in the same manner as those posted. The Certification of Posting, Mailing, and Electronic Mailing form and color-scanned signed Notice should be returned via e-file. Please do not e-mail or physically send hard copies of the Certification of Posting, Mailing, and Electronic Mailing form or Notices at this time. If you need assistance in e-filing case documents, please contact the Compliance Assistant assigned to this case.



NOTICE TO EMPLOYEES



POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL DIRECTOR OF THE NATIONAL LABOR RELATIONS BOARD AN AGENCY OF THE UNITED STATES GOVERNMENT

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT maintain or distribute a Summary Plan Description (SPD) for our Health & Welfare Benefits Plan or any other documents that contain language excluding employees covered by a collective-bargaining agreement from eligibility to receive the benefits of our Health & Welfare Benefits Plan.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce employees in their exercise of the above-stated rights guaranteed in Section 7 of the National Labor Relations Act.

Within 28 days from the date of approval of the Settlement Agreement in this case, **WE WILL** rescind the language in the SPD for our Health & Welfare Benefits Plan that excludes employees covered by a collective-bargaining agreement from eligibility to receive benefits from our Health & Welfare Benefits Plan and **WE WILL** notify our employees that this has been done and furnish them copies of a lawfully revised SPD for our Health & Welfare Benefits Plan.

KINGSPAN INSULATED PANELS, INC.

(Employer)

(b) (6), (b) (7)(C)

DATED: 10/24/2022

BY:

(Representative)

(b) (6), (b) (7)(C)

(Title)

The National Labor Relations Board is an Independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service (link is external) by visiting its website at <https://www.federalrelay.us/tty> (link is external), calling one of its toll-free numbers and asking its Communications Assistant to call our toll-free number at 1-844-762-NLRB.

National Labor Relations Board, Region 12
201 E. Kennedy Blvd., Suite 530
Tampa, FL 33602-5824

Telephone: (813) 228-2641
Hours: 8:00 a.m. to 4:30 p.m.

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to Region 12 at www.nlr.gov or (202) 273-2900.

CASE NUMBER 12-CA-295327

CERTIFICATION OF POSTING, MAILING, AND ELECTRONIC DISTRIBUTION
(Tate Access Floors, Inc., 7510 Montevideo Rd., Jessup, MD 20794 facility)

RE: Kingspan Insulated Panels Inc., Kingspan Insulation LLC, Kingspan Light, etc.
Case 12-CA-295327

Due Date: October 26, 2022

(If additional space is needed to provide a full response, attach a sheet(s) with the necessary information.)

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Employer has taken to comply.

Physical Posting

The signed and dated Notice to Employees in English and Spanish in the above matter was posted on 10/24/2022 at the following locations: (List specific places of posting)

(date)

1st floor main lounge Bul. Board
1st floor reception area Bul. Board

A legible copy of the signed Notices in both languages, displaying full text of the Notice, including the date, signature and title of the responsible official of the Employer was e-filed together with this Certification.

Electronically Mail Notice

The signed and dated Notice to Employees in English and Spanish in the above-captioned matter was email on _____ to all Synthesia Technology, Inc. employees located in the United

(date)

States. A copy of the email message, with all of the recipients' e-mail addresses visible, along with a copy of the signed Notices was e-filed via the Agency's e-filing portal at www.nlrb.gov together with this Certification.

Mail Notices

On 10/24/2022, the Employer mailed copies of the approved Notices in both languages with (date)

their respective names in English and Spanish, to all individuals who have been employed by the Employers at their respective facilities listed in Appendix A to this Agreement, at any time since December 5, 2021, at their current or last known addresses. Copies of the date of actual mailing, a list of names and addresses of employees to whom the Notices were mailed was e-filed with this Certification. A list of names of individuals to whom mailed notices were returned to the Employers undelivered by the United States Postal Service will be e-filed accordingly.

I have completed this Certification of Posting, Mailing, and Electronic Mailing and state under penalty of perjury that it is true and correct.

By:

(b) (6), (b) (7)(C)

Title:

(b) (6), (b) (7)(C)

Date:

(b) (6)

10/24/2022

This form should be returned to the Regional Office together with **ONE** original Notice in each language, dated and signed in the same manner as those posted. The Certification of Posting, Mailing, and Electronic Mailing form and color-scanned signed Notice should be returned via e-file. Please do not e-mail or physically send hard copies of the Certification of Posting, Mailing, and Electronic Mailing form or Notices at this time. If you need assistance in e-filing case documents, please contact the Compliance Assistant assigned to this case.

CERTIFICATION OF POSTING, MAILING, AND ELECTRONIC DISTRIBUTION
(Tate Access Floors, Inc., 100 Redco Avenue, Ste. D1, Red Lion, PA 17356 facility)

RE: Kingspan Insulated Panels Inc., Kingspan Insulation LLC, Kingspan Light, etc.
Case 12-CA-295327

Due Date: October 26, 2022

(If additional space is needed to provide a full response, attach a sheet(s) with the necessary information.)

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Employer has taken to comply.

Physical Posting

The signed and dated Notice to Employees in English and Spanish in the above matter was posted on 10/24/2022 at the following locations: (List specific places of posting)
(date)

1st floor common AREA Bul Board

A legible copy of the signed Notices in both languages, displaying full text of the Notice, including the date, signature and title of the responsible official of the Employer was e-filed together with this Certification.

Electronically Mail Notice

The signed and dated Notice to Employees in English and Spanish in the above-captioned matter was email on _____ to all Synthesia Technology, Inc. employees located in the United States. (date)

A copy of the email message, with all of the recipients' e-mail addresses visible, along with a copy of the signed Notices was e-filed via the Agency's e-filing portal at www.nlrb.gov together with this Certification.

Mail Notices

On 10/24/2022, the Employer mailed copies of the approved Notices in both languages with (date)

their respective names in English and Spanish, to all individuals who have been employed by the Employers at their respective facilities listed in Appendix A to this Agreement, at any time since December 5, 2021, at their current or last known addresses. Copies of the date of actual mailing, a list of names and addresses of employees to whom the Notices were mailed was e-filed with this Certification. A list of names of individuals to whom mailed notices were returned to the Employers undelivered by the United States Postal Service will be e-filed accordingly.

I have completed this Certification of Posting, Mailing, and Electronic Mailing and state under penalty of perjury that it is true and correct.

By:

Title:

Date:

c (b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

10/24/2022

This form should be returned to the Regional Office together with **ONE** original Notice in each language, dated and signed in the same manner as those posted. The Certification of Posting, Mailing, and Electronic Mailing form and color-scanned signed Notice should be returned via e-file. Please do not e-mail or physically send hard copies of the Certification of Posting, Mailing, and Electronic Mailing form or Notices at this time. If you need assistance in e-filing case documents, please contact the Compliance Assistant assigned to this case.

CERTIFICATION OF POSTING, MAILING, AND ELECTRONIC DISTRIBUTION
(Tate Access Floors, Inc., 52 Springvale Road, Red Lion, PA 17356 facility)

RE: **Kingspan Insulated Panels Inc., Kingspan Insulation LLC, Kingspan Light, etc.**
Case 12-CA-295327

Due Date: October 26, 2022

(If additional space is needed to provide a full response, attach a sheet(s) with the necessary information.)

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Employer has taken to comply.

Physical Posting

The signed and dated Notice to Employees in English and Spanish in the above matter was posted on 10/24/2022 at the following locations: (List specific places of posting)

(date)

MAIN Employee Lounge Bul. Board
Reception area, 1st Floor Bul. Board
Copy/Mail Center, 2nd Floor Bul. Board

A legible copy of the signed Notices in both languages, displaying full text of the Notice, including the date, signature and title of the responsible official of the Employer was e-filed together with this Certification.

Electronically Mail Notice

The signed and dated Notice to Employees in English and Spanish in the above-captioned matter was email on _____ to all Synthesia Technology, Inc. employees located in the United

(date)

States. A copy of the email message, with all of the recipients' e-mail addresses visible, along with a copy of the signed Notices was e-filed via the Agency's e-filing portal at www.nlrb.gov together with this Certification.

Mail Notices

On 10/24/2022, the Employer mailed copies of the approved Notices in both languages with (date)

their respective names in English and Spanish, to all individuals who have been employed by the Employers at their respective facilities listed in Appendix A to this Agreement, at any time since December 5, 2021, at their current or last known addresses. Copies of the date of actual mailing, a list of names and addresses of employees to whom the Notices were mailed was e-filed with this Certification. A list of names of individuals to whom mailed notices were returned to the Employers undelivered by the United States Postal Service will be e-filed accordingly.

I have completed this Certification of Posting, Mailing, and Electronic Mailing and state under penalty of perjury that it is true and correct.

By: _____

Title: _____

Date: _____

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

10/24/2022

This form should be returned to the Regional Office together with **ONE** original Notice in each language, dated and signed in the same manner as those posted. The Certification of Posting, Mailing, and Electronic Mailing form and color-scanned signed Notice should be returned via e-file. Please do not e-mail or physically send hard copies of the Certification of Posting, Mailing, and Electronic Mailing form or Notices at this time. If you need assistance in e-filing case documents, please contact the Compliance Assistant assigned to this case.



NOTICE TO EMPLOYEES



POSTED PURSUANT TO A SETTLEMENT AGREEMENT

APPROVED BY A REGIONAL DIRECTOR OF THE
NATIONAL LABOR RELATIONS BOARD
AN AGENCY OF THE UNITED STATES GOVERNMENT

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT maintain or distribute a Summary Plan Description (SPD) for our Health & Welfare Benefits Plan or any other documents that contain language excluding employees covered by a collective-bargaining agreement from eligibility to receive the benefits of our Health & Welfare Benefits Plan.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce employees in their exercise of the above-stated rights guaranteed in Section 7 of the National Labor Relations Act.

Within 28 days from the date of approval of the Settlement Agreement in this case, **WE WILL** rescind the language in the SPD for our Health & Welfare Benefits Plan that excludes employees covered by a collective-bargaining agreement from eligibility to receive benefits from our Health & Welfare Benefits Plan and **WE WILL** notify our employees that this has been done and furnish them copies of a lawfully revised SPD for our Health & Welfare Benefits Plan.

(b) (6), (b) (7)(C)

CESS FLOORS

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

DATED: 10/24/2022 BY

The National Labor Relations Board is an Independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service (link is external) by visiting its website at <https://www.federalrelay.us/tty> (link is external), calling one of its toll-free numbers and asking its Communications Assistant to call our toll-free number at 1-844-762-NLRB.

National Labor Relations Board, Region 12
201 E. Kennedy Blvd., Suite 530
Tampa, FL 33602-5824

Telephone: (813) 228-2641
Hours: 8:00 a.m. to 4:30 p.m.

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to Region 12 at www.nlr.gov or (202) 273-2900.

CASE NUMBER 12-CA-295327



NOTICE TO EMPLOYEES



POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL DIRECTOR OF THE NATIONAL LABOR RELATIONS BOARD AN AGENCY OF THE UNITED STATES GOVERNMENT

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT maintain or distribute a Summary Plan Description (SPD) for our Health & Welfare Benefits Plan or any other documents that contain language excluding employees covered by a collective-bargaining agreement from eligibility to receive the benefits of our Health & Welfare Benefits Plan.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce employees in their exercise of the above-stated rights guaranteed in Section 7 of the National Labor Relations Act.

Within 28 days from the date of approval of the Settlement Agreement in this case, **WE WILL** rescind the language in the SPD for our Health & Welfare Benefits Plan that excludes employees covered by a collective-bargaining agreement from eligibility to receive benefits from our Health & Welfare Benefits Plan and **WE WILL** notify our employees that this has been done and furnish them copies of a lawfully revised SPD for our Health & Welfare Benefits Plan.

KINGSPAN LIGHT + AIR

(Employer)

DATED: 10-24-2022

BY:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service (link is external) by visiting its website at <https://www.federalrelay.us/tty> (link is external), calling one of its toll-free numbers and asking its Communications Assistant to call our toll-free number at 1-844-762-NLRB.

National Labor Relations Board, Region 12
201 E. Kennedy Blvd., Suite 530
Tampa, FL 33602-5824

Telephone: (813) 228-2641
Hours: 8:00 a.m. to 4:30 p.m.

This notice must remain posted for 60 consecutive days from the date of posting and must not be altered, defaced or covered by any other material. Any questions concerning this notice or compliance with its provisions may be directed to Region 12 at www.nlr.gov or (202) 273-2900.

CASE NUMBER 12-CA-295327



NOTICE TO EMPLOYEES



POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL DIRECTOR OF THE NATIONAL LABOR RELATIONS BOARD AN AGENCY OF THE UNITED STATES GOVERNMENT

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT maintain or distribute a Summary Plan Description (SPD) for our Health & Welfare Benefits Plan or any other documents that contain language excluding employees covered by a collective-bargaining agreement from eligibility to receive the benefits of our Health & Welfare Benefits Plan.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce employees in their exercise of the above-stated rights guaranteed in Section 7 of the National Labor Relations Act.

Within 28 days from the date of approval of the Settlement Agreement in this case, **WE WILL** rescind the language in the SPD for our Health & Welfare Benefits Plan that excludes employees covered by a collective-bargaining agreement from eligibility to receive benefits from our Health & Welfare Benefits Plan and **WE WILL** notify our employees that this has been done and furnish them copies of a lawfully revised SPD for our Health & Welfare Benefits Plan.

DATED: 10/24/22 BY: (b) (6), (b) (7)(C) [Redacted] PLAR SYSTEMS, INC.
 (Employer)
(b) (6), (b) (7)(C) [Redacted] (Title)

The National Labor Relations Board is an independent Federal agency created in 1935 to enforce the National Labor Relations Act. We conduct secret-ballot elections to determine whether employees want union representation and we investigate and remedy unfair labor practices by employers and unions. To find out more about your rights under the Act and how to file a charge or election petition, you may speak confidentially to any agent with the Board's Regional Office set forth below or you may call the Board's toll-free number 1-844-762-NLRB (1-844-762-6572). Hearing impaired callers who wish to speak to an Agency representative should contact the Federal Relay Service (link is external) by visiting its website at <https://www.federalrelay.us/tty> (link is external), calling one of its toll-free numbers and asking its Communications Assistant to call our toll-free number at 1-844-762-NLRB.

National Labor Relations Board, Region 12
201 E. Kennedy Blvd., Suite 530
Tampa, FL 33602-5824

Telephone: (813) 228-2641
Hours: 8:00 a.m. to 4:30 p.m.

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CASE NUMBER 12-CA-295327



AVISO A LOS EMPLEADOS

PUBLICADO CONFORME A UN ACUERDO APROBADO POR UN DIRECTOR REGIONAL DE LA JUNTA NACIONAL DE RELACIONES DEL TRABAJO UNA AGENCIA DEL GOBIERNO DE LOS ESTADOS UNIDOS



LA LEY NACIONAL DE RELACIONES DEL TRABAJO LE DA EL DERECHO A:

- Formar, afiliarse a, o ayudar a una unión (sindicato);
- Escoger representantes para negociar con nosotros en su representación;
- Actuar en conjunto con otros empleados para su beneficio y protección;
- Optar por no participar en ninguna de estas actividades protegidas.

NOSOTROS NO mantendremos o distribuiremos una Descripción Resumida del Plan (SPD) para nuestro Plan de Beneficios de Salud y Bienestar o cualquier otro documento que contenga lenguaje que excluye a los empleados cubiertos por un contrato de negociación colectiva de la elegibilidad de recibir los beneficios de nuestro Plan de Beneficios de Salud y Bienestar.

NOSOTROS NO ni del mismo modo ni de modo similar, interferiremos, restringiremos o coaccionaremos a los empleados en su ejercicio de sus derechos mencionados anteriormente garantizados por la Sección 7 de la Ley Nacional de Relaciones del Trabajo.

Dentro de 28 días de la fecha de aprobación del Acuerdo en este caso, **NOSOTROS** eliminaremos el lenguaje en el SPD para nuestro Plan de Beneficios de Salud y Bienestar que excluye a los empleados cubiertos por un contrato de negociación colectiva de la elegibilidad de recibir los beneficios de nuestro Plan de Beneficios de Salud y Bienestar y **NOSOTROS** les notificaremos a nuestros empleados que esto se ha llevado a cabo y les proporcionaremos a ellos copias del SPD revisado legalmente para nuestro Plan de Beneficios de Salud y Bienestar.

KINGSPAN INSULATED PANELS, INC.

(Employer)

FECHA: 10/24/2022

POR:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(Title)

La Junta Nacional de Relaciones del Trabajo es una agencia federal independiente que fue creada en 1935 para hacer cumplir la Ley Nacional de Relaciones del Trabajo. Llevamos a cabo elecciones de voto secreto para determinar si los empleados desean representación sindical e investigamos y remediamos los casos de prácticas ilícitas de trabajo de parte de los empleadores y las uniones. Para obtener más información sobre sus derechos bajo la Ley y cómo presentar un cargo o una petición para una elección, usted puede hablar bajo confidencialidad con cualquier agente de la Oficina Regional de la Junta a continuación o pueden llamar al número gratuito de la Junta 1-844-762-NLRB (1-844-762-6572). Las personas con deficiencias auditivas que desean hablar con un representante de la Agencia deberían comunicarse con el Servicio Federal de Retransmisión (el enlace es externo) visitando a su página web <https://www.federalrelay.us/ttv> (el enlace es externo), llamando a uno de sus números gratuitos y solicitando a su Asistente de Comunicaciones que llame a nuestro número gratuito al 1-844-762-NLRB.

Junta Nacional de Relaciones del Trabajo, Región 12
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Teléfono: (813) 228-2641
Horas: 8:00 a.m. to 4:30 p.m.

Este aviso debe permanecer publicado durante 60 días consecutivos a partir de la fecha de su publicación y no debe ser alterado, mutilado, ni cubierto por ningún otro material. Cualquier pregunta referente a este aviso o al cumplimiento con sus disposiciones, puede ser dirigida a la Región 12 al www.nlr.gov o al (202) 273-2900.

NÚMERO DE CASO 12-CA-295327



NOTICE TO EMPLOYEES



POSTED PURSUANT TO A SETTLEMENT AGREEMENT APPROVED BY A REGIONAL DIRECTOR OF THE NATIONAL LABOR RELATIONS BOARD AN AGENCY OF THE UNITED STATES GOVERNMENT

THE NATIONAL LABOR RELATIONS ACT GIVES YOU THE RIGHT TO:

- Form, join, or assist a union;
- Choose a representative to bargain with us on your behalf;
- Act together with other employees for your benefit and protection;
- Choose not to engage in any of these protected activities.

WE WILL NOT maintain or distribute a Summary Plan Description (SPD) for our Health & Welfare Benefits Plan or any other documents that contain language excluding employees covered by a collective-bargaining agreement from eligibility to receive the benefits of our Health & Welfare Benefits Plan.

WE WILL NOT in any like or related manner interfere with, restrain, or coerce employees in their exercise of the above-stated rights guaranteed in Section 7 of the National Labor Relations Act.

Within 28 days from the date of approval of the Settlement Agreement in this case, **WE WILL** rescind the language in the SPD for our Health & Welfare Benefits Plan that excludes employees covered by a collective-bargaining agreement from eligibility to receive benefits from our Health & Welfare Benefits Plan and **WE WILL** notify our employees that this has been done and furnish them copies of a lawfully revised SPD for our Health & Welfare Benefits Plan.

KINGSPAN INSULATED PANELS, INC.

(Employer)

(b) (6), (b) (7)(C)

DATED: 10/24/2022

BY:

(Representative)

(b) (6), (b) (7)(C)

(Title)

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CASE NUMBER 12-CA-295327



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(b) (6), (b) (7)(C)

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ver)

(b) (6), (b) (7)(C)

DATED: 10/24/2022 BY

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MORIN CORPORATION

DATED: 10/24/2022 BY:

(b) (6), (b) (7)(C) er)

(b) (6), (b) (7)(C)

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KINGSPAN INSULATION, LLC

(Employer)

DATED: 10-24-22

BY:

(b) (6), (b) (7)(C)

(b) (6), (b) (7)(C)

(Representative)

(Title)

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MORIN CORPORATION

DATED: 10/24/2022 BY: (b) (6), (b) (7)(C) ^{er)} (b) (6), (b) (7)(C)

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CASE NUMBER 12-CA-295327

CERTIFICATION OF COMPLIANCE

Due Date: October 26, 2022

RE: Kingspan Insulated Panels Inc., Kingspan Insulation LLC, Kingspan Light+ Air, LLC, ASM Modular Systems Inc., Morin Corporation, Synthesia Technology, Inc., And Tate, Inc. D/B/A Tate Access Floors
Case(s) 12-CA-295327

As required by the Settlement Agreement in this matter, this document is a sworn certification of the steps that the Employer has taken to comply.

Rescission

On 10/21/2022, the Employer rescinded the language in the SPD for its Health & Welfare
(date)

Benefits Plan that excludes employees covered by a collective-bargaining agreement from eligibility to receive benefits from its Health & Welfare Benefits Plan.

On 10/24/2022, the Employer notified its employees that this has been done and on
(date)

10/24/2022, furnished them copies of a lawfully revised SPD for its Health & Welfare
(date)

Benefits Plan. **A copy of the notification to its employees and a copy of the lawfully revised SPD for its Health & Welfare Benefits has been completed has been e-filed.**

I have completed this Certification of Compliance and state under penalty of perjury that it is true and correct.

CHARGED PARTY

By:

(b) (6), (b) (7)(C)

Title:

(b) (6), (b) (7)(C)

Date:

10/24/2022

This form should be returned to the Regional Office via e-file. Please do not e-mail or physically send hard copies of the Certification of Compliance form at this time. If you need assistance in e-filing case documents, please contact the Compliance Officer or Assistant assigned to this case.